

REMARKS

Claims 1-8 are pending in the application.

Applicants have amended claims 1, 7, and 8. In addition, Applicants have changed the Title. These changes do not introduce any new matter.

Objection to the Title

In response to the objection to the Title, Applicants have changed the Title to "Image Processing Apparatus and Method Using Scene-Dependent Image Processing Condition." Accordingly, Applicants request that the objection to the Title be withdrawn.

Rejection Under 35 U.S.C. § 102

Applicants respectfully request reconsideration of the rejection of claims 1-8 under 35 U.S.C. § 102(b) as being anticipated by *Nitta* (Japanese Patent Publication No. 2001-186297). As will be explained in more detail below, the *Nitta* reference does not disclose each and every feature of independent claims 1, 7, and 8, as amended herein.

In Paragraph 3 of the Final Office Action, the Examiner states that Applicants' arguments made in the Amendment filed on October 16, 2007 are not persuasive because there is no mention of "image processing control information" in the claims. In response, Applicants note that the phrase "image processing control information" was used in the remarks as a shortened version of the phrase "scene-dependent image processing condition specification information," which is recited in the claims.

In the presently claimed subject matter, the scene-dependent image processing condition specification information is set by a digital still camera and is used to specify an image processing condition adopted *in an image processing apparatus*. The scene-dependent image processing condition specification information is related to image data by the digital

still camera, and the scene-dependent image processing condition specification information specifies an image processing condition in an image processing apparatus.

The *Nitta* reference does not disclose each and every feature of the subject matter defined in present claim 1. *Nitta's* configuration is premised on manual or automatic image quality adjustment to be selected by the user, and the printer (image processing apparatus) shown in *Nitta* does not operate without direct input by the user. In contrast, present claim 1 specifies "acquiring a scene-dependent image processing condition suitable for the specified shooting scene *without input of an image processing condition by a user.*"

The *Nitta* reference does not disclose the concept of a digital still camera specifying an image processing condition to be adopted in an image processing apparatus. Thus, when an automatic image quality adjustment is carried out based on a photographing mode, interpretation of the photographing mode differs from printer to printer, and consequently the output result differs from printer to printer.

On the other hand, the claimed subject matter is capable of reducing the output result variation that is caused by different image processing conditions because the claimed configuration specifies an image processing condition itself.

Thus, for at least the foregoing reasons, the *Nitta* reference does not disclose each and every feature of independent claim 1, as amended herein. Each of independent claim 7, which defines an image processing apparatus, and independent claim 8, which defines a computer-readable storage medium, has been amended to include features that correspond to those specified in amended claim 1. As such, the *Nitta* reference does not disclose each and every feature of independent claims 7 and 8, as amended herein.

Accordingly, independent claims 1, 7, and 8, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Nitta*. Claims 2-6, each of which ultimately depends from claim 1,

are likewise patentable under 35 U.S.C. § 102(b) over *Nitta* for at least the same reasons set forth above regarding claim 1.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-8, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 749-6902. If any fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. MIPFP047).

Respectfully submitted,
MARTINE PENILLA & GENCARELLA, LLP



Peter B. Martine
Reg. No. 32,043

710 Lakeway Drive, Suite 200
Sunnyvale, California 94085
Customer Number 25920